

C 116. The method of claim 100, wherein the ~~wild-type~~ p53 gene is under the control of a CMV promoter.

117. The method of claim 100, wherein said tumor cells are killed by apoptosis.

B' cont 118. The method of claim 112, further comprising administering the adenoviral composition to the residual tumor site via direct injection.--

REMARKS

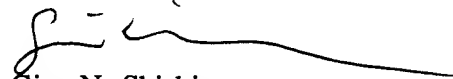
The independent claim as submitted in this Preliminary Amendment was previously deemed allowable in dependent form as contained in Application Serial. No. 08/459,713, now subject to an interference proceeding. Applicants submit that the subject matter of this independent claim is not the subject matter that is presently the basis of the interference.

Support for the amended claims may be found throughout the specification, including at: p. 3, line 26; p. 7, lns. 5-6; p. 8, line 28; p. 9, line 1; p. 9, lns. 18-19; p. 39, lns. 26-27; p. 42, line 9; p. 42, line 20; page 42, line 25; p. 42, line 28; p. 43, lns. 8-9; and p. 43, lns. 12-13. Thus, no new matter has been added.

Claims 43-99 were added by a prior preliminary amendment filed on October 6, 1999. Claims 100-118 are added herein by this preliminary amendment. Thus, claims 43-118 are pending.

Should the Examiner have any questions regarding this submission, he is invited to contact Applicants' representative at (512) 418-3081.

Respectfully submitted,

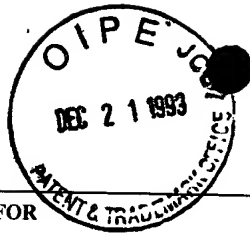


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CLAIMS	(1) FOR	(2) CLAIMS IN THIS AMENDMENT	(3) HIGHEST NUMBER PREVIOUSLY PAID FOR	(4) RATE	(5) CALCULATIONS
	Total Claims (37 CFR 1.16(e))	75	- <u>57</u> = <u>18</u>	x \$ 18.00	\$ 324.00
	Independent Claims (37 CFR 1.16(b))	4	- <u>3</u> = <u>1</u>	x \$ 78.00	\$ 78.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			x \$ 260.00	\$
				Total of above Calculations =	\$ 402.00
	Reduction by 50% for filing by Small Entity (Note: 37 CFR 1.9, 1.27, 1.28)				\$ *
	TOTAL =				\$ 402.00

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